

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

In re:

VANWINKLE, DEREK LEE

VANWINKLE, STACEY LEIGH

Debtor(s)

§ Case No. 14-02251-JMC-7A

§ Chapter 7

§

§

TRUSTEE'S FINAL REPORT (TFR)

The undersigned trustee hereby makes this Final Report and states as follows:

1. A petition under Chapter 7 of the United States Bankruptcy Code was filed on 03/20/2014. The undersigned trustee was appointed on 03/20/2014.
2. The trustee faithfully and properly fulfilled the duties enumerated in 11 U.S.C. §704.
3. All scheduled and known assets of the estate have been reduced to cash, released to the debtor as exempt property pursuant to 11 U.S.C. § 522, or have been or will be abandoned pursuant to 11 U.S.C. § 554. An individual estate property record and report showing the disposition of all property of the estate is attached as **Exhibit A**.

4. The trustee realized the gross receipts of \$ 850,000.00

Funds were disbursed in the following amounts:

| | |
|---|----------------------|
| Payments made under an interim distribution | <u>0.00</u> |
| Administrative expenses | <u>321,921.43</u> |
| Bank service fees | <u>311.11</u> |
| Other payments to creditors | <u>0.00</u> |
| Non-estate funds paid to 3rd Parties | <u>348,016.79</u> |
| Exemptions paid to the debtor | <u>0.00</u> |
| Other payments to the debtor | <u>0.00</u> |
| Leaving a balance on hand of ¹ | <u>\$ 179,750.67</u> |

The remaining funds are available for distribution.

¹The balance of funds on hand in the estate may continue to earn interest until disbursed. The interest earned prior to disbursement will be distributed pro rata to creditors within each priority category. The trustee may receive additional compensation not to exceed the maximum compensation set forth under 11 U.S.C. § 326(a) on account of the disbursement of the additional interest.

5. Attached as **Exhibit B** is a cash receipts and disbursements record for each estate bank account.

6. The deadline for filing non-governmental claims in this case was 06/30/2016 and the deadline for filing governmental claims was 09/16/2014. All claims of each class which will receive a distribution have been examined and any objections to the allowance of claims have been resolved. If applicable, a claims analysis, explaining why payment on any claim is not being made, is attached as **Exhibit C**.

7. The Trustee's proposed distribution is attached as **Exhibit D**.

8. Pursuant to 11 U.S.C. § 326(a), the maximum compensation allowable to the trustee is \$28,349.16. To the extent that additional interest is earned before case closing, the maximum compensation may increase.

The trustee has received \$0.00 as interim compensation and now requests the sum of \$12,266.09, for a total compensation of \$12,266.09². In addition, the trustee received reimbursement for reasonable and necessary expenses in the amount of \$0.00 and now requests reimbursement for expenses of \$133.37 for total expenses of \$133.37².

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Date: 09/29/2018

By: /s/ Paul Gresk

Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. §1320.4(a)(2) applies.

²If the estate is administratively insolvent, the dollar amounts reflected in this paragraph may be higher than the amounts listed in the Trustee's Proposed Distribution (Exhibit D)

Form 1

Individual Estate Property Record and Report

Asset Cases

Exhibit A

Page: 1

Case No.: 14-02251-JMC-7A

Case Name: VANWINKLE, DEREK LEE
VANWINKLE, STACEY LEIGH

Trustee Name: (340550) Paul D. Gresk

Date Filed (f) or Converted (c): 03/20/2014 (f)

§ 341(a) Meeting Date: 05/07/2014

For Period Ending: 09/29/2018

Claims Bar Date: 06/30/2016

| 1 Asset Description (Scheduled And Unscheduled (u) Property) | 2 Petition/ Unscheduled Values | 3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs) | 4 Property Formally Abandoned OA=§554(a) abandon. | 5 Sale/Funds Received by the Estate | 6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets |
|--|--|---|---|--|--|
| Ref. # | | | | | |
| 1 | LAWSUITS (2) (u) | 0.00 | 10,000.00 | | 850,000.00 FA |
| 2 | 7618 MOULTRIE COURT, INDPLS IN 46217 | 100,000.00 | 0.00 | OA | 0.00 FA |
| 3 | INDIANA MEMBERS CREDIT UNION CHECKING ACCT #4404 | 500.00 | Unknown | OA | 0.00 FA |
| 4 | INDIANA MEMBERS CREDIT UNION SAVINGS ACCT #4404 | 50.00 | Unknown | OA | 0.00 FA |
| 5 | HOUSEHOLD GOODS AND FURNISHINGS | 2,000.00 | 0.00 | OA | 0.00 FA |
| 6 | BOOKS AND PICTURES | 50.00 | 0.00 | OA | 0.00 FA |
| 7 | CLOTHING | 500.00 | 0.00 | OA | 0.00 FA |
| 8 | COSTUME JEWELRY AND WEDDING RINGS | 500.00 | 0.00 | OA | 0.00 FA |
| 9 | 2012 KIA SEDONA GOOD CONDITION 24,842 MI | 17,000.00 | 0.00 | OA | 0.00 FA |
| 10 | 2007 KIA SPORTAGE GOOD CONDITION 47,582 MI | 4,500.00 | 0.00 | OA | 0.00 FA |
| 10 | Assets Totals (Excluding unknown values) | \$125,100.00 | \$10,000.00 | | \$850,000.00 \$0.00 |

Major Activities Affecting Case Closing:

6/7/18 MINUTE ENTRY ORDER - MOTION GRANTED, ORDER SIGNED.

5/9/18 NOTICE OF HEARING ON THE APPLICATION FOR COMPENSATION FOR WILLIAM GOODEN AND RONALD J WAICUKAUSKI AS SPECIAL COUNSEL WAS SET FOR JUNE 7TH AT 10:30 IN ROOM 325

5/5/18 APPLICATION FOR COMPENSATION FOR SPECIAL COUNSEL WAS FILED. ORDER ON THE APPLICATION FOR SPECIAL COUNSEL WAS UPLOADED.

2/8/2018 ORDER GRANTING MOTION TO SETTLE WAS SIGNED BY THE JUDGE.

11/9/17 AMENDED MOTION TO SETTLE WAS FILED. 10/26/17 MOTION TO SETTLE WAS FILED. 10/5/17 RECEIVED SETTLEMENT OFFER FROM ATTORNEY AND NEED RESPONSE SUBMITTED BY THE 9TH OF OCTOBER. REVIEWING PROPOSED OFFER WITH TRUSTEE.

03/15/16 MOTION TO REOPEN. 03/15/16 MOTION FOR RELIEF FROM JUDGMENT. 03/16/16

RESUBMITTED ORDER FOR RELIEF WITH NEW JUDGE'S INITIALS PER COURTS INSTRUCTIONS.

03/30/16 FILED NOTICE OF POSSIBLE ASSETS. 03/30/16 FILED APPLICATION TO EMPLOY SPECIAL COUNSEL.

Initial Projected Date Of Final Report (TFR): 09/30/2018

Current Projected Date Of Final Report (TFR): 07/24/2018 (Actual)

09/29/2018

Date

/s/Paul D. Gresk

Paul D. Gresk

Form 2

Exhibit B

Page: 1

Cash Receipts And Disbursements Record

Case No.: 14-02251-JMC-7A
Case Name: VANWINKLE, DEREK LEE
VANWINKLE, STACEY LEIGH
Taxpayer ID #: **-***8072
For Period Ending: 09/29/2018

Trustee Name: Paul D. Gresk (340550)
Bank Name: Rabobank, N.A.
Account #: *****3300 Checking
Blanket Bond (per case limit): \$36,630,939.00
Separate Bond (if applicable): N/A

| 1 | 2 | 3 | 4 | | 5 | 6 | 7 |
|-------------|-----------------|---|------------------------------------|--------------------|------------|-----------------|-----------------|
| Trans. Date | Check or Ref. # | Paid To / Received From | Description of Transaction | Uniform Tran. Code | Deposit \$ | Disbursement \$ | Account Balance |
| 01/22/18 | | PRICE WAICUKAUSKI JOVEN & CATLIN, LLC TRUST ACCOUNT | SETTLEMENT | | 180,321.78 | | 180,321.78 |
| | {1} | PRICE WAICUKAUSKI JOVEN & CATLIN TRUST ACCOUNT | LAWSUIT SETTLEMENT \$850,000.00 | 1242-000 | | | 180,321.78 |
| | | PRICE WAICUKAUSKI JOVEN & CATLIN | ATTORNEY FEES -\$193,516.66 | 3210-600 | | | 180,321.78 |
| | | CLARK QUINN MOSES SCOTT & GRAHN | ATTORNEY FEES -\$89,816.67 | 3210-600 | | | 180,321.78 |
| | | PRICE WAICUKAUSKI JOVEN & CATLIN | ATTORNEY EXPENSES -\$32,682.95 | 3220-610 | | | 180,321.78 |
| | | CLARK QUINN MOSES SCOTT & GRAHN | ATTORNEY EXPENSES -\$5,645.15 | 3220-610 | | | 180,321.78 |
| | | MV | -\$100,000.00 | 8500-000 | | | 180,321.78 |
| | | AV | -\$100,000.00 | 8500-000 | | | 180,321.78 |
| | | DEREK & STACEY VANWINKLE | -\$148,016.79 | 8500-000 | | | 180,321.78 |
| 01/31/18 | | Rabobank, N.A. | Bank and Technology Services Fees | 2600-000 | | 69.16 | 180,252.62 |
| 02/19/18 | 101 | US BANKRUPTCY COURTS | FILING FEE TO REOPEN CASE | 2700-000 | | 260.00 | 179,992.62 |
| 02/28/18 | | Rabobank, N.A. | Bank and Technology Services Fees | 2600-000 | | 241.95 | 179,750.67 |

| | | | |
|-------------------------------------|---------------------|-----------------|---------------------|
| COLUMN TOTALS | 180,321.78 | 571.11 | \$179,750.67 |
| Less: Bank Transfers/CDs | 0.00 | 0.00 | |
| Subtotal | 180,321.78 | 571.11 | |
| Less: Payments to Debtors | | 0.00 | |
| NET Receipts / Disbursements | \$180,321.78 | \$571.11 | |

Form 2

Exhibit B

Page: 2

Cash Receipts And Disbursements Record

Case No.: 14-02251-JMC-7A
Case Name: VANWINKLE, DEREK LEE
 VANWINKLE, STACEY LEIGH
Taxpayer ID #: **_***8072
For Period Ending: 09/29/2018

Trustee Name: Paul D. Gresk (340550)
Bank Name: Rabobank, N.A.
Account #: *****3300 Checking
Blanket Bond (per case limit): \$36,630,939.00
Separate Bond (if applicable): N/A

| TOTAL - ALL ACCOUNTS | NET DEPOSITS | NET DISBURSEMENTS | ACCOUNT BALANCES |
|-----------------------------|---------------------|--------------------------|-------------------------|
| *****3300 Checking | \$180,321.78 | \$571.11 | \$179,750.67 |
| | \$180,321.78 | \$571.11 | \$179,750.67 |

09/29/2018

Date

/s/Paul D. Gresk

Paul D. Gresk

Exhibit C
Analysis of Claims Register

Case: 14-02251-JMC-7A

DEREK LEE VANWINKLE AND STACEY

Claims Bar Date: 06/30/16

| Claim No. | Claimant Name/ <Category>, Priority | Claim Type/ Date Filed | Claim Ref | Amount Filed/ Allowed | Paid to Date | Claim Balance |
|-----------|---|----------------------------|-----------|----------------------------|-----------------|------------------|
| FEE | Paul Gresk 150 EAST 10TH STREET INDIANAPOLIS, IN 46204 <2100-000 Trustee Compensation> , 200 | Administrative 11/09/16 | | \$12,266.09 \$12,266.09 | \$0.00 | \$28,349.16 |
| TE | Paul Gresk 150 EAST 10TH STREET INDIANAPOLIS, IN 46204 <2200-000 Trustee Expenses> , 200 | Administrative 02/20/18 | | \$133.37 \$133.37 | \$0.00 | \$133.37 |
| 1 | Cohen & Malad, LLP One Indiana Square Suite 1400 Indianapolis, IN 46204 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/07/16 | | \$44,017.64 \$44,017.64 | \$0.00 | \$44,017.64 |
| 2 | Discover Bank Discover Products INC P.O. Box 3025 New Albany, OH 43054 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/08/16 | | \$3,267.56 \$3,267.56 | \$0.00 | \$3,267.56 |
| 3 | Von Maur, Inc. 6565 Brady Street Davenport, IA 52806 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/19/16 | | \$159.43 \$159.43 | \$0.00 | \$159.43 |
| 4 | Capital One Bank (USA), N.A. PO Box 71083 Charlotte, NC 28272-1083 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/23/16 | | \$5,814.46 \$5,814.46 | \$0.00 | \$5,814.46 |

Exhibit C
Analysis of Claims Register

Case: 14-02251-JMC-7A

DEREK LEE VANWINKLE AND STACEY

Claims Bar Date: 06/30/16

| Claim No. | Claimant Name/ <Category>, Priority | Claim Type/ Date Filed | Claim Ref | Amount Filed/ Allowed | Paid to Date | Claim Balance |
|-----------|---|---------------------------|-----------|----------------------------|-----------------|------------------|
| 5 | Capital One Bank (USA), N.A. PO Box 71083 Charlotte, NC 28272-1083 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/23/16 | | \$978.62 \$978.62 | \$0.00 | \$978.62 |
| 6 | Capital One Bank (USA), N.A. PO Box 71083 Charlotte, NC 28272-1083 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/23/16 | | \$921.91 \$921.91 | \$0.00 | \$921.91 |
| 7 | Capital One Bank (USA), N.A. PO Box 71083 Charlotte, NC 28272-1083 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/23/16 | | \$1,805.88 \$1,805.88 | \$0.00 | \$1,805.88 |
| 8 | Navient Solutions, Inc. PO BOX 9640 Wilkes-Barre, PA 18773-9640 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/26/16 | | \$7,161.67 \$7,161.67 | \$0.00 | \$7,161.67 |
| 9 | Navient Solutions, Inc. PO BOX 9640 Wilkes-Barre, PA 18773-9640 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/26/16 | | \$2,145.83 \$2,145.83 | \$0.00 | \$2,145.83 |
| 10 | Navient Solutions, Inc. PO BOX 9640 Wilkes-Barre, PA 18773-9640 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/26/16 | | \$11,963.71 \$11,963.71 | \$0.00 | \$11,963.71 |
| 11 | Navient Solutions, Inc. PO BOX 9640 Wilkes-Barre, PA 18773-9640 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/26/16 | | \$2,067.46 \$2,067.46 | \$0.00 | \$2,067.46 |

Exhibit C
Analysis of Claims Register

Case: 14-02251-JMC-7A

DEREK LEE VANWINKLE AND STACEY

Claims Bar Date: 06/30/16

| Claim No. | Claimant Name/ <Category>, Priority | Claim Type/ Date Filed | Claim Ref | Amount Filed/ Allowed | Paid to Date | Claim Balance |
|--------------------|--|---------------------------|-----------|----------------------------|-----------------|---------------------|
| 12 | Navient Solutions, Inc. Department of Education Loan Services P.O. Box 9635 Wilkes-Barre, PA 18773-9635 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 | Unsecured 04/29/16 | | \$76,824.42 \$76,824.42 | \$0.00 | \$76,824.42 |
| 13 | Capital One NA c/o Becket and Lee LLP PO Box 3001 Malvern, PA 19355-0701 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 KOHLS | Unsecured 05/26/16 | | \$2,522.69 \$2,522.69 | \$0.00 | \$2,522.69 |
| 14 | PYOD, LLC its successors and assigns as assignee of FNBM, LLC Resurgent Capital Services PO Box 19008 Greenville, SC 29602 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 CREDIT ONE BANK | Unsecured 06/08/16 | | \$765.61 \$765.61 | \$0.00 | \$765.61 |
| 15 | PYOD, LLC its successors and assigns as assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 SEARS CITIBANK | Unsecured 06/08/16 | | \$2,751.85 \$2,751.85 | \$0.00 | \$2,751.85 |
| 16 | PYOD, LLC its successors and assigns as assignee of Citibank, N.A. Resurgent Capital Services PO Box 19008 Greenville, SC 29602 <7100-000 Section 726(a)(2) General Unsecured Claims> , 610 SEARS CITIBANK | Unsecured 06/08/16 | | \$5,471.05 \$5,471.05 | \$0.00 | \$5,471.05 |
| Case Total: | | | | | \$0.00 | \$197,122.32 |

Exhibit C

Analysis of Claims Register

Case: 14-02251-JMC-7A

DEREK LEE VANWINKLE AND STACEY

Claims Bar Date: 06/30/16

TRUSTEE'S PROPOSED DISTRIBUTION

Exhibit D

Case No.: 14-02251-JMC-7A

Case Name: DEREK LEE VANWINKLE AND STACEY LEIGH VANWINKLE

Trustee Name: Paul D. Gresk

Balance on hand: \$ 179,750.67

Claims of secured creditors will be paid as follows:

| Claim No. | Claimant | Claim Asserted | Allowed Amount of Claim | Interim Payments to Date | Proposed Payment |
|-----------|----------|----------------|-------------------------|--------------------------|------------------|
| None | | | | | |

Total to be paid to secured creditors: \$ 0.00Remaining balance: \$ 179,750.67

Applications for chapter 7 fees and administrative expenses have been filed as follows:

| Reason/Applicant | Total Requested | Interim Payments to Date | Proposed Payment |
|--------------------------------|-----------------|--------------------------|------------------|
| Trustee, Fees - Paul Gresk | 12,266.09 | 0.00 | 12,266.09 |
| Trustee, Expenses - Paul Gresk | 133.37 | 0.00 | 133.37 |

Total to be paid for chapter 7 administrative expenses: \$ 12,399.46Remaining balance: \$ 167,351.21

Applications for prior chapter fees and administrative expenses have been filed as follows:

| Reason/Applicant | Total Requested | Interim Payments | Proposed Payment |
|------------------|-----------------|------------------|------------------|
| None | | | |

Total to be paid for prior chapter administrative expenses: \$ 0.00Remaining balance: \$ 167,351.21

In addition to the expenses of administration listed above as may be allowed by the Court, priority claims totaling \$0.00 must be paid in advance of any dividend to general (unsecured) creditors.

Allowed priority claims are:

| Claim No. | Claimant | Allowed Amount of Claim | Interim Payments to Date | Proposed Payment |
|-----------|----------|-------------------------|--------------------------|------------------|
| None | | | | |

Total to be paid for priority claims: \$ 0.00
 Remaining balance: \$ 167,351.21

The actual distribution to wage claimants included above, if any, will be the proposed payment less applicable withholding taxes (which will be remitted to the appropriate taxing authorities).

Timely claims of general (unsecured) creditors totaling \$168,639.79 have been allowed and will be paid *pro rata* only after all allowed administrative and priority claims have been paid in full. The timely allowed general (unsecured) dividend is anticipated to be 99.2 percent, plus interest (if applicable).

Timely allowed general (unsecured) claims are as follows:

| Claim No. | Claimant | Allowed Amount of Claim | Interim Payments to Date | Proposed Payment |
|-----------|---|-------------------------|--------------------------|------------------|
| 1 | Cohen & Malad, LLP | 44,017.64 | 0.00 | 43,681.31 |
| 2 | Discover Bank Discover Products INC | 3,267.56 | 0.00 | 3,242.59 |
| 3 | Von Maur, Inc. | 159.43 | 0.00 | 158.21 |
| 4 | Capital One Bank (USA), N.A. | 5,814.46 | 0.00 | 5,770.03 |
| 5 | Capital One Bank (USA), N.A. | 978.62 | 0.00 | 971.14 |
| 6 | Capital One Bank (USA), N.A. | 921.91 | 0.00 | 914.87 |
| 7 | Capital One Bank (USA), N.A. | 1,805.88 | 0.00 | 1,792.08 |
| 8 | Navient Solutions, Inc. | 7,161.67 | 0.00 | 7,106.95 |
| 9 | Navient Solutions, Inc. | 2,145.83 | 0.00 | 2,129.43 |
| 10 | Navient Solutions, Inc. | 11,963.71 | 0.00 | 11,872.30 |
| 11 | Navient Solutions, Inc. | 2,067.46 | 0.00 | 2,051.66 |
| 12 | Navient Solutions, Inc. Department of Education Loan Services | 76,824.42 | 0.00 | 76,237.40 |
| 13 | Capital One NA c/o Becket and Lee LLP | 2,522.69 | 0.00 | 2,503.41 |
| 14 | PYOD, LLC its successors and assigns as assignee of FNBM, LLC Resurgent Capital Services | 765.61 | 0.00 | 759.76 |
| 15 | PYOD, LLC its successors and assigns as assignee of Citibank, N.A. Resurgent Capital Services | 2,751.85 | 0.00 | 2,730.82 |
| 16 | PYOD, LLC its successors and assigns as assignee of Citibank, N.A. Resurgent Capital Services | 5,471.05 | 0.00 | 5,429.25 |

| | | |
|---|----|------------|
| Total to be paid for timely general unsecured claims: | \$ | 167,351.21 |
| Remaining balance: | \$ | 0.00 |

Tardily filed claims of general (unsecured) creditors totaling \$0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and timely filed general (unsecured) claims have been paid in full. The tardily filed claim dividend is anticipated to be 0.0 percent, plus interest (if applicable).

Tardily filed general (unsecured) claims are as follows:

| Claim No. | Claimant | Allowed Amount of Claim | Interim Payments to Date | Proposed Payment |
|-----------|----------|-------------------------|--------------------------|------------------|
| None | | | | |

| | | |
|--|----|------|
| Total to be paid for tardily filed general unsecured claims: | \$ | 0.00 |
| Remaining balance: | \$ | 0.00 |

Subordinated unsecured claims for fines, penalties, forfeitures, or damages and claims ordered subordinated by the Court totaling \$0.00 have been allowed and will be paid *pro rata* only after all allowed administrative, priority and general (unsecured) claims have been paid in full. The dividend for subordinated unsecured claims is anticipated to be 0.0 percent, plus interest (if applicable).

Subordinated unsecured claims for fines, penalties, forfeitures or damages and claims ordered subordinated by the Court are as follows:

| Claim No. | Claimant | Allowed Amount of Claim | Interim Payments to Date | Proposed Payment |
|-----------|----------|-------------------------|--------------------------|------------------|
| None | | | | |

| | | |
|---|----|------|
| Total to be paid for subordinated claims: | \$ | 0.00 |
| Remaining balance: | \$ | 0.00 |